

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
CENTRAL DIVISION**

THOMAS WAGGENER, Register No. 156072,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 08-4037-CV-C-SOW
	)	
DAVE DORMIRE, et al.,	)	
	)	
Defendants.	)	

**ORDER**

On May 30, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims, pursuant to Fed. R. Civ. P. 41(b), for failure to comply with court orders to pay the initial filing. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed, although plaintiff requested and was granted an extension of time until July 31, 2008, to pay the initial filing fee. Plaintiff has failed to pay the initial filing fee.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of May 30, 2008, is adopted. [25] It is further

ORDERED that plaintiff's claims are dismissed for failure to comply with court orders, pursuant to the provisions of Fed. R. Civ. P. 41(b).

/s/

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SCOTT O. WRIGHT  
Senior United States District Judge

Dated: August 6, 2008  
Kansas City, Missouri